

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA RICHKO, as Personal Representative
of the ESTATE OF JEFFREY HORVATH,

Plaintiff,

Case Number 12-CV-11232
Honorable Denise Page Hood

v.

WAYNE COUNTY SHERIFF'S DEPARTMENT,
a Municipal Corporation, COUNTY OF WAYNE,
a Municipal Corporation, APRIL WILLIAMS,
DEPUTY MEARS, JEREMY MEINEKE,
SERGEANT TAYLOR-BEAVERS, LARRY
CAMERON, and ANDRE STINSON,
Individually and Jointly,

Defendants.

_____ /

**ORDER GRANTING MOTION TO STAY AND
ADMINISTRATIVELY CLOSING CASE**

On March 31, 2015, the Court entered an Order denying in part and deeming moot in part Defendants' Motion for Summary Judgment. Defendants Wayne County, April Williams, Larry Cameron, and Andre Stinson filed a Notice of Appeal on April 30, 2015, appealing the Court's finding that Defendants Williams, Cameron, and Stinson were not entitled to qualified immunity. Defendants filed a Motion to Stay Proceedings Pending the Appeal [**Docket No. 59, filed April 29, 2015**]. No opposition was filed to the motion.

"A denial of summary judgment is generally not a final judgment." *Haynes v. City of Circleville, Ohio*, 474 F.3d 357, 361 (6th Cir. 2007)(quoting *Hoover v.*

Radabaugh, 307 F.3d 460, 465 (6th Cir. 2002). A denial of summary judgment on the ground of qualified immunity may be appealed as a collateral order where (1) the defendant is a public official asserting the defense of qualified immunity and (2) the issue appealed concerns not which facts the parties might be able to prove, but whether certain alleged facts reflect a violation of clearly established law.

Haynes, 474 F.3d at 361. The Sixth Circuit has granted emergency motions to stay the district court proceedings pending interlocutory appeals of the qualified-immunity issue. *See Essex v. County of Livingston*, 518 F. App'x 351, 354 (6th Cir. 2013). No opposition to the motion having been filed, the Court stays the matter until the resolution of the appeal. *See Mithcell v. Forsyth*, 472 U.S. 511 (1985).

Accordingly,

IT IS ORDERED that the Motion to Stay Proceedings [**Docket No. 59, filed April 29, 2015**] is **GRANTED**. The final pretrial conference scheduled for May 6, 2015, is **CANCELLED**.

IT IS FURTHER ORDERED that this action is **STAYED and ADMINISTRATIVELY CLOSED**. The action may be reopened once any party provides the Court with notice that a mandate has been issued from the Court of Appeals.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: May 4, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 4, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager